

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY - - APRIL 19, 2005 - - 7:30 PM

Mayor Johnson convened the Regular Meeting at 8:07 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

(05-160) Mayor Johnson announced that the Resolution Commending Alameda Police Department Sergeant Jon Westmoreland would be presented after Special Orders of the Day.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05-161) Proclamation declaring April 23, 2005 as Earth Day Alameda 2005.

Mayor Johnson read and presented the Proclamation to Paul Groff, Allegra Printing.

Mr. Groff thanked the Council for the Proclamation.

REGULAR AGENDA ITEM

(05-162) Resolution No. 13828, "Commending Alameda Police Department Sergeant Jon Westmoreland for His Contributions to the City of Alameda." Adopted.

Mayor Johnson read and presented the Resolution to Sergeant Jon Westmoreland.

Sergeant Westmoreland thanked the Council and stated that he was honored to have served the City.

Councilmember Matarrese moved adoption of the Resolution.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

CONSENT CALENDAR

Mayor Johnson announced that the recommendation to authorize the Acting City Manager or designee to enter into an agreement for the acquisition of real property [paragraph no. 05-166], the

recommendation to authorize the Acting City Manager to use \$201,000 in Measure B ferry reserves [paragraph no. 05-169], and the Resolution Approving the Application for Land and Water Conservation Fund [paragraph no. 05-174] were removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*05-163) Minutes of the Special and Regular City Council Meetings held on April 5, 2005 and the Special City Council Meeting held on April 7, 2005 and April 8, 2005. Approved.

(\*05-164) Ratified bills in the amount of \$1,826,558.48.

(\*05-165) Recommendation to approve Agreement with Community Playgrounds, Inc. in the amount of \$98,930 for Leydecker Park Playground Renovation Project. Accepted.

(05-166) Recommendation to authorize the Acting City Manager or designee to enter into an agreement for the acquisition of real property from the East Bay Municipal Utility District for \$110,800 plus closing costs.

Councilmember deHaan requested clarification on the impacts of drawing \$110,800 from the Recreation and Park Commission's existing budget.

Councilmember Matarrese stated that he understood that the \$110,800 was coming from the Open Space Fund.

Mayor Johnson stated that the Open Space Fund was a result of the property sold at the Harbor Bay Business Park; Council directed that the sale proceeds be placed in a separate Open Space account.

Councilmember deHaan inquired whether the money was also being used for the Estuary Park Project.

The Acting City Manager responded in the affirmative; stated purchasing the full amount of land [for Estuary Park] shown in the General Plan could cost up to \$5 million; there will be discussions with the developer and the Bay Conservation and Development

Commission (BCDC) regarding requirements for a pathway.

Councilmember deHaan inquired whether having an approximate \$300,000 delta will limit the capabilities of carrying on with the project.

The Acting City Manager responded there would be limitations in getting a larger share of the land; discussions with the developer and grant approval would determine how much land the City could obtain; staff must recommend proceeding because the project is shown in the General Plan.

Councilmember deHann moved approval of the recommendation to authorize the Acting City Manager or designee to enter into an agreement for the acquisition of real property from the East Bay Municipal Utility District for \$110,800 plus closing costs [paragraph no. 05-166] and Adoption of Resolution Approving the Application for Land and Water Conservation Fund Estuary Park Project [paragraph no. 05-174].

Under discussion, Mayor Johnson inquired whether the grant was the same one the City previously applied for and did not receive and whether the chances for approval were better.

The Acting Recreation and Park Director responded the current grant was from the Land and Water Conservation Act; the previous grant was under the Roberti-Z'Berg-Harris Urban Open Space and Recreation Program; the State prefers to fund developments rather than acquisitions.

Mayor Johnson requested staff to advise Council on whatever efforts are needed to succeed.

Councilmember Matarrese seconded the motion.

Under discussion, Councilmember Matarrese stated that it is important to acquire the last strip of property before the Bay Farm Bridge because the property completes the Bay Trail and precludes building another house at one of the choke points of the City; the development of Estuary Park should move forward with whatever money is left; when the opportunity comes up with the developer, money can be found.

The Acting City Manager stated there are ways to work with the developer to maximize the amount of land the City can obtain; the matter would be discussed with the developer in the next week or two.

Mayor Johnson requested an inventory of potential open space be presented to Council; stated the Belt Line and other areas are designated in the General Plan; an overall look at open space and plans to acquire the space should be reviewed.

On the call for the question, the motion carried by unanimous voice vote -5.

(\*05-167) Recommendation to adopt Specifications and authorize Call for Bids for a Combination Catch Basin/Sewer Cleaning Machine. Accepted.

(\*05-168) Recommendation to approve an increase to the Construction Contract with Golden Bay Construction, Inc., in the amount of \$100,000 using Alameda Power and Telecom funds for the placement of additional cable television and undergrounding of power conduits for Webster Street Renaissance Project, No. P.W. 07-02-07. Accepted.

(05-169) Recommendation to authorize the Acting City Manager to use \$201,000 in Measure B ferry reserves for ferry boat repairs.

Vice Mayor Gilmore stated there seems to be more ferry boat repair issues with the Harbor Bay Ferry than the Alameda/Oakland Ferry Service; if so, requested a review of ferry boat operators' maintenance schedules.

Councilmember deHaan stated that the Harbor Bay Ferry costs need to be reviewed; an Off Agenda Report notes that the Peralta was sent back up to Washington for super structure modifications; the Peralta is a young ship; there were flaws in the materials used; requested the review address the Peralta.

Vice Mayor Gilmore moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(\*05-170) Resolution No. 13829, "Preliminarily Approving Annual Report Declaring Intention to Order Levy and Collection of Assessments and Providing for Notice of June 21, 2005 Hearing Thereof - Island City Landscaping and Lighting District 84-2." Adopted.

(\*05-171) Resolution No. 13830, "Preliminarily Approving Annual Report Declaring Intention to Order Levy and Collection of Assessments and Providing for Notice of June 21, 2005 Hearing Thereof - Maintenance Assessment District 01-01 (Marina Cove)."

Adopted.

(\*05-172) Resolution No. 13831, "Approving Tentative Map, TM04-0004, for a Sixteen Lot Subdivision at Harbor Bay Business Park." Adopted.

(\*05-173) Resolution No. 13832, "Approving the Association of Bay Area Governments (ABAG) Report "Taming Natural Disasters" as the City of Alameda's Local Hazard Mitigation Plan." Adopted.

(05-174) Resolution No. 13833, "Approving the Application for Land and Water Conservation Fund Estuary Park Project." Adopted.

Refer to comments and motion under the recommendation to authorize the Acting City Manager or designee to enter into an agreement for the acquisition of real property [paragraph no. 05-166].

(\*05-175) Introduction of Ordinance Reclassifying and Rezoning Certain Property within the City of Alameda by Amending Zoning Ordinance No. 1277, N.S., from R-5 (General Residential) Zoning District to C-C (Community Commercial) Zoning District, for that Property Located at 2507 Central Avenue at Everett Street. Introduced.

#### REGULAR AGENDA ITEMS

(05-176) Public Hearing to consider a recommendation to adopt FY 2005-06 through FY 2009-10 Consolidated Plan, adopt FY 2005-06 Community Development Block Grant (CDBG) Action Plan, amend FY 2004-05 CDBG Action Plan, and authorize the City Manager to negotiate and execute related documents, agreements and modifications; and

(05-176A) Recommendation regarding CDBG public service recommendations.

Mayor Johnson opened the public portion of the Hearing.

Speaker: Doug Biggs, Alameda Point Collaborative.

There being no further speakers, Mayor Johnson closed the public portion of the Hearing.

Vice Mayor Gilmore moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(05-177) Ordinance No. 2939, "Approving and Authorizing Execution of Lease between the City of Alameda (Lessor) and the County of Alameda (Lessee) for Real Property Located at 1429 Oak Street." Finally passed.

Mayor Johnson stated that the County Health Center is moving into the former Children's Library site; there is now a home for the Recreation and Park Department and the County Health Center; thanked the Acting City Manager for finding a very good solution to a potentially difficult problem.

Councilmember Matarrese stated that the County's opportunity provides the City with the benefit of improvements and maintaining a building that is a City asset; the move is a fine solution and keeps the County services central to the bus line and the center of town.

Councilmember Matarrese moved final passage of the Ordinance.

Councilmember deHaan seconded the motion.

Under discussion, the Acting City Manager stated that the Public Works Department put in partitions and did a lot of the work in a short period of time; the County will have a ribbon cutting ceremony either later this week or next week; the cost of the materials was paid for by the County; a City building has been fixed up with a combination of City forces and County funds; everyone came out a winner.

Mayor Johnson stated that the building was not occupied for at least eight years and was in fairly blighted conditions.

Councilmember deHaan stated that he appreciates the Acting City Manager's win-win solutions.

On the call for the question, the motion carried by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

None.

#### COUNCIL COMMUNICATIONS

(05-178) Discussion of the Harbor Bay ferry system.

Councilmember Daysog stated that he received many e-mails regarding the Harbor Bay ferry; noted that the City was able to get a one

year reprieve; suggested a Town Hall meeting be held regarding the ferry system in three to four months; stated that some riders feel out of the loop regarding ferry issues; noted that a Town Hall meeting would provide a better sense of timetables for improving ferry services and costs issues; suggested a more formal way of communicating with riders be developed by the Transportation Commission or an adhoc committee that reports to City Council.

Councilmember Matarrese concurred with Councilmember Daysog; suggested that the Town Hall meeting occur soon; stated that the city cannot afford to lose the ferry service; traveling across the Bay Farm Island Bridge would affect commuters and is unacceptable; stated that informing commuters that everything will be done to keep the ferry in service is an urgent matter and maintains credibility for transit solutions at Alameda Point.

Councilmember Daysog stated that he is in favor of having the Town Hall meeting sooner, but that it is important to collect information for presentation.

Mayor Johnson stated that she does not see any advertising for the ferries; noted that fuel cost issues should be investigated; stated that the City will not lose the ferry service; that there is a long-term possibility that the Water Transit Authority will operate the ferries; the City needs to continue operating successfully until then; there should be a Council briefing on the state of the ferries and then a public workshop.

Vice Mayor Gilmore stated that the maintenance issues are important; noted if the ferry is out of service, commuters find other means of commuting and it is difficult to get them back once habits have changed.

Councilmember Daysog suggested that the Council Meeting be the Town Hall meeting.

Councilmember deHaan stated that there was a fare box increase of 25% and 40% is needed; the capacity of the ferry service and parking limitation is a difficult dynamic to solve; that the Alameda/Oakland Ferry Service was successful because parking spaces were increased and ridership improved.

Mayor Johnson stated that she has never seen the parking lot full; noted that more riders are needed; stated that ridership went down significantly after the dock closure.

The Acting City Manager stated that staff worked very hard and came up with a solution that the Metropolitan Transportation Commission

staff and Grant Allocation Committee endorsed; more work needs to be done to refine the information; there are plans to have a Town Hall meeting next week or the following week; then staff will provide a status report to Council; a better job can be done on marketing the ferry.

Mayor Johnson stated that when the ferry problem became apparent, the Acting City Manager immediately took action and set up meetings with the Metropolitan Transportation Commission; thanked the Acting City Manager for the efforts taken to negotiate one more year.

Vice Mayor Gilmore requested that e-mails be sent to concerned citizens [regarding the Town Hall meeting] in addition to the normal noticing procedures.

(05-179) Consideration of Mayor's nominations (3) for appointment to the Golf Commission.

Mayor Johnson nominated Ray Gaul, Jane Sullwold, and Bill Schmitz to the Gold Commission.

Councilmember deHaan stated that he was extremely impressed with the applicants' depth; he would hope that the individuals look at other commissions and boards.

Mayor Johnson concurred with Councilmember deHaan.

(05-180) Consideration of the Mayor's nomination for appointment to the Housing and Building Code Hearing and Appeals Board.  
**Continued.**

(05-181) Selection of alternate to serve on the Alameda County Lead Abatement Joint Powers Authority Board.

Mayor Johnson stated that Councilmember deHaan has indicated an interest to serve as the alternate.

Vice Mayor Gilmore moved that Councilmember deHaan serve on the Alameda County Lead Abatement Joint Powers Authority Board.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(05-182) Councilmember Daysog noted that today is the City of Alameda's 151st birthday.

(05-183) Councilmember deHaan requested a report on the Lincoln School drop off area situation; there is concern with the next



generation of remediation intruding into the existing field area.

Vice Mayor Gilmore stated that the School District staff is presenting a plan to the School Board on April 26.

The Acting City Manager stated that the meeting may be sooner than April 26 and that he would verify the date.

Mayor Johnson inquired whether the plan intrudes into the field area, to which the Acting City Manager responded that the plan goes partially into the field area and basketball paved area.

Vice Mayor Gilmore inquired how the plan would effect putting in a full size regulation soccer field, to which the Acting City Manager responded the matter would be addressed at the meeting and City staff would bring back information.

Mayor Johnson stated that she has informed a couple of School Board members and the Superintendent that she is concerned about taking away field space; noted that the basketball courts are not just used by the school.

(05-184) Councilmember deHaan inquired whether the window display ordinance came back to Council, to which the Acting City Manager responded that there is 30-day implementation period to allow people time to adjust before enforcement.

(05-185) Mayor Johnson requested that increasing the size of the Recreation and Park Commission be placed on the next agenda.

(05-186) Mayor Johnson stated the Finance Director is working on a more aggressive policy to buy in Alameda; noted that the check registers indicate how much the City spends outside of Alameda and are very disturbing; stated that sales tax revenue is being given to other cities; a purchasing position might be needed to coordinate better prices and ensure that purchasing is done in Alameda as much as possible.

(05-187) Mayor Johnson stated the Council should consider a Business Recruiter position in the next budget.

Councilmember deHaan stated that every Economic Development Commission study indicated a Business Recruiter as a top priority; noted that buying in Alameda is important.

(05-188) Councilmember Matarrese stated important projects are coming forward; requested staff reports reference applicable plans, such as the General Plan, Economic Development Strategic Plan, the

Downtown Vision Plan, the Bicycle Master Plan, etc; staff reports should have a section that reviews basic conformance to the policy documents that have been adopted; for non-conformance, there should be an explanation of the pros and cons; noted the plans may need to be updated; projects such as the Theatre, Bridgeside Shopping Center and the Base need to check conformances to existing plans.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 8:57 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND  
COMMUNITY IMPROVEMENT COMMISSION MEETING  
TUESDAY- -APRIL 19, 2005- -7:27 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:56 p.m.

ROLL CALL - Present: Councilmembers/Commissioners Daysog,  
deHaan, Gilmore, Matarrese, and  
Mayor/Chair Johnson - 5.

Absent: None.

MINUTES

(05-157CC/05-016CIC) Minutes of the Special Joint City Council and Community Improvement Commission Meeting held on April 5, 2005. Approved.

Vice Mayor/Commissioner Gilmore moved approval of the minutes.

Councilmember/Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5.

AGENDA ITEMS

(05-158CC/05-017CIC) Recommendation to approve the Annual Operating and Capital Budget for the Bayport Project.

The Acting City Manager stated the budget scenario is considerably better based upon the profit participation section that allows participation in some of the developer's profit.

The Development Services Director gave a brief report on the project.

Councilmember/Commissioner Daysog inquired whether bond issuance is not required because revenue generated would cover public improvements and still provide an \$800,000 profit.

The Development Services Director responded that one bond was issued early in the project; the project's bottom line does not require using any other bonds to finish the project.

Mayor/Chair Johnson inquired whether bond capacity is freed up for other potential uses in the future.

The Development Services Director responded in the negative; stated the existing agreement does not just contemplate the current phase; the obligations of the projects are linked; any project proceeds

that flow from Phase I tax increments are obligated to Phase II unless negotiated differently.

Mayor/Chair Johnson inquired whether Phase II has been negotiated, to which the Development Services Director responded Phase II has a Disposition and Development Agreement (DDA).

Mayor/Chair Johnson inquired whether the DDA provisions could be renegotiated, to which the Development Services Director responded in the affirmative.

Councilmember/Commissioner Matarrese inquired whether the bottom line of the next phase is more favorable.

The Development Services Director responded that a developer advance is not required; available funds would be required to be put into the infrastructure in a different pattern.

Councilmember/Commissioner Matarrese inquired whether the Research and Development Park and Business Park look more favorable, to which the Development Services Director responded that she could not respond; there are other issues related to the economics.

Councilmember/Commissioner Matarrese inquired whether the profits rolling into the next project allow for a more favorable situation, to which the Development Services Director responded possibly.

Councilmember/Commissioner deHaan inquired whether the price of homes is the principal factor for the current situation, to which the Development Services Director responded in the affirmative.

Councilmember/Commissioner deHaan stated the break-even point was \$650,000.

The Redevelopment Manager noted the average sale price of the homes was \$725,000.

Councilmember/Commissioner Daysog stated that news is good overall; profit participation was initially questionable.

Councilmember/Commissioner deHaan moved approval of the staff recommendation.

Councilmember/Commissioner Matarrese seconded the motion, which carried by unanimous voice vote - 5.

Doug Biggs, Alameda Point Collaborative (APC), stated that the APC

was originally granted 39 units to meet housing needs for the homeless; APC entered into an agreement with the City to replace the original units in east housing near the corner of Atlantic Avenue and Fifth Street; the City told APC that there are no funds to build the 39 units; the City is contemplating financing a 39-unit project through other funds instead; the City specifically designated project revenues from the Catellus Project as the primary source for the 39 units, including \$2 million from the sale of land; that designation of funds is not shown in the accounting presented tonight; without the agreement with APC to relocate units, the Bayport Project would not have happened; the use of the Catellus funds could go a long way toward making units more affordable and serve the homeless.

Councilmember/Commissioner Matarrese requested an Off Agenda Report in response to Mr. Biggs' comments.

(05-159CC/05-018CIC) Joint Public Hearing to consider authorizing the City Manager/Executive Director to enter into a Disposition and Development Agreement with Alameda Entertainment Associates, L.P., approval of the 33433 Report, and adoption of a Mitigated Negative Declaration for the Alameda Theater, Cineplex and Parking Structure Project (State Clearinghouse #2004-122-042).

(05-018A/CIC) Adoption of Resolution Approving and Authorizing Execution of a Disposition and Development Agreement Between the Community Improvement Commission and Alameda Entertainment Associates, L.P., and Approving Certain Mitigation Measures for the Project and Adopting a Mitigation Monitoring Program; and

(05-159A/CC) Adoption of Resolution Approving and Authorizing Execution of a Disposition and Development Agreement Between the Community Improvement Commission and Alameda Entertainment Associates, L.P., and Adopting a Mitigated Negative Declaration and Mitigation Monitoring Program. **Continued to May 3, 2005.**

#### ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 8:06 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
Secretary, Community Improvement  
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

**APRIL 19, 2005 JOINT HOUSING AUTHORITY BOARD  
OF COMMISSIONERS AND ALAMEDA PUBLIC  
FINANCING AUTHORITY MINUTES PLACEHOLDER**

**The April 19, 2005 Joint HABOC/APFA Meeting Minutes have  
not been approved.**